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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/066,006 | 02/02/2002 | Edward Robert Kraft | ERK-3 | 2715 |

7590 07/07/2003
Wendy A. Petka
FISH & NEAVE
1251 Avenue of the Americas
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EXAMINER

TSIDULKO, MARK

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,006

Applicant(s)

KRAFT, EDWARD ROBERT

Examiner

Mark Tsidulko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/2/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 2-5, 8 are objected to under 37 CFR 1.75(c) as being in improper form. Each claim must begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations. See MPEP 608.01(m).

Claim 4 would be allowable if rewritten in a proper form.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to Claim 2 it is unclear what Applicant intends by "organizational light guide".

Also, regarding claim(s) 2, 3 please note, that the method of forming the device is not germane to the issue of patentability of the device itself. Even though the claim(s) are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, these (i.e. method) limitations has not been given patentable weight.

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Referring to Claims 5 and 7 it is unclear what Applicant intends by “the tapered light pipe injector” (claim 5, lines 5, 11), (claim 7, line 1) and “light pipe injector” (claim 5, line 8). For comparing, claim 1 discloses “light guide injector”, but not “the tapered light pipe injector”. Claims should use the same terminology to prevent the confusion. In addition, Figs.1 and 1A of the instant application show tapered light pipe but do not show tapered light injector. What part of injector is tapered?

Also referring to claim 5 it is unclear what Applicant intends by “...while maintaining the **etendue** from transporting light pipe”

Referring to Claim 6 it is unclear what Applicant intends by “the tapered light pipe injector area”.

The status of Claims 2, 3, 5, 6 (i.e. if allowable or not) can not be determined because of the vagueness of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Plumly (US 4,435,743).

Referring to claim 9 Plumly discloses (col.3, lines 30-43) the silk screened emitting surface.

Referring to claim 10 Plumly discloses ((Fig.5, claims 8,11) the luminaire that can be surface mounted.

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Referring to Claim 11 Plumly discloses (Figs. 8-10) the light source that is remote from the light panel emitting surface.

Referring to Claim 12 Plumly discloses (Figs.5, 8-10; col.5, lines 33-38) that the panel may be permanently installed and not need access for light source bulb replacement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levis et al. (US 5,902,033) in view of Hathaway et al. (US 5,050,946).

Referring to Claim 1 Levis et al. disclose (Fig.1) a projector system having a hollow tapered light pipe [15] for concentrating and transporting the light from the light source [10] (see col.3, lines 36, 37) and a lighting luminaire (LCD) [21].

Levis et al. discloses the instant claimed invention except for light guide injector.

Hathaway et al. disclose (Fig.5) a light guide injector that is used to couple the light transmitted from the light source (col.4, lines 9-11), but it is of course be understood that the location of the injector may be changed, if necessary, in order to couple the light transmitted from the light pipe.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Levis et al. with the light injector as taught by Hathaway et al. for purpose of coupling the light transmitted from the light pipe.

Referring to Claim 7 it is well known in the art that the light pipe made of glass or plastic can be bent over with any desired radius. If light pipe is made from metal, it is well known in a technology that the inner radius of bending must be minimum equal to thickness of the material in order to prevent appearance of a stress concentration.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plumly (US 4,435,743).

Plumly discloses an edge lighted panel that is used for sign. It is well known in the art that the ambient operating moisture, chemical and temperatures of the luminaries used for the sign are limited by the properties of the material used to make the sign. The Plumly's device discloses a filament type light box (col.4, lines 31, 32) without the inherent limitations such as space or accessibility requirements for maintenance (see Fig.1) and does not have replaceable parts. It is also understood that the emitting surface can be manufactured in any desirable size depending on necessity.

Conclusion

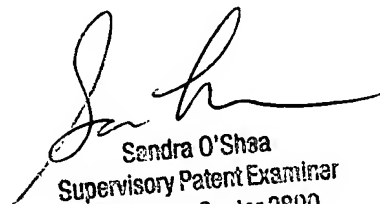
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
June 23, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800